IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.3701 OF 2007
IN
APPEAL NO. OF 2007

The State of Maharashtra ..Applicant

Vs.

Somnath Harichandra Gaikwad
& Ors. ..Respondents

Mr.A.R.Patil APP for Applicant

CORAM: S.B.MHASE AND
SMT.V.K.TAHILRAMANI,JJ.

DATE : DECEMBER 18, 2007

P.C.

1. Heard.

2. We have perused the judgment. We find that the immediate dying declaration given by the deceased shows that it was an accidental death. There was another dying declaration recorded by the police implicating the accused persons. The lady was alive for four days. Prosecution has miserably failed to explain as to why the dying declaration was not recorded through Executive Magistrate or Judicial

Magistrate.

3. The view taken by the Sessions Judge is a possible view.

4. Rejected.

[SMT.V.K.TAHILRAMANI, J.] [S.B.MHASE, J.]